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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2-1-12

Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Shedeesh Brown and Gabriel Perez
vs. The City of New York et al.
Docket No. 11CV1068(PKC)

Dear Judge Castel:

I represent the plaintiffs in the captioned matter. I am writing, to request an extension of the discovery deadline in this case from February 3, 2012 to March 23, 2012, and an adjournment of the status conference scheduled for February 24, 2012. Linda Regis-Hallinan, Esq. of Linklaters LLP, the attorneys for the defendants, consents to the requested extension and adjournment. This is the third request for an extension of the discovery deadline.

The plaintiffs in this action seek damages for deprivations of their civil rights pursuant to 42 U.S.C. §1983 based on their detention and arrest during the execution of a search warrant in an apartment in which they had spent the night. Plaintiff Shadeesha Brown was compelled to remain naked for an extended period of time while the apartment was being searched by numerous police officers.

The Initial Conference Order, dated June 6, 2011, set a discovery deadline of October 4, 2011. On August 19, 2011, the plaintiffs filed an Amended Complaint naming as additional defendants nine police officers identified in defendant The City of New York's Initial Disclosure dated June 28, 2011 and its First Supplemental Disclosure dated August 2, 2011. By letter dated August 23, 2011, Assistant Corporation Counsel Steven M. Silverberg requested an extension of the discovery deadline from October 4, 2011 to December 5, 2011, citing the necessity for defense counsel to determine whether the office of the Corporation Counsel of the City of New York would represent the additional defendants. Your Honor granted that request.

**ABSOLUTELY
FINAL**

The date in paragraph 5 for completion of fact discovery is extended to March 23. The date for completion of expert discovery is extended to April 27.

Feb 24
conference
adjourned to
April 13

at
3:30 pm.

SO
ORDERED
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On October 26, 2011, the Corporation Counsel of the City of New York appeared for eight of the added defendants. The plaintiffs were unable to affect service on the ninth defendant until November 2, 2011. On November 4, 2011, I forwarded correspondence to Mr. Silverberg requesting documents which had not been provided in the defendants' response to the plaintiff's initial Request for Documents, and on November 7, 2011, the plaintiff served a Request for Documents addressed to the additional defendants and Notices of Deposition for those defendants.

On November 16, 2011, the depositions of the plaintiffs scheduled for November 17 and November 18 were postponed at the request of Mr. Silverberg.

On November 18, 2011, the parties jointly requested a sixty day extension of all discovery deadlines. In his letter conveying this request to Your Honor, Mr. Silverberg cited "... the pitfalls of attempting to schedule depositions during end of the year holidays" and the pending transfer of the defense of this case to the firm of Linklaters LLP. Your Honor then extended the fact discovery deadline to February 3, 2012¹ and adjourned the status conference to February 24 at 10:45 a.m.

On December 5, 2011, Mr. Silverberg forwarded correspondence addressing my letter of November 4, 2011, and on December 7, 2011, he forwarded responses to the document demands addressed to the additional defendants, objecting to production of many of the requested documents. On the same date, Martin Bloor, Esq. and Linda Regis-Hallinan, Esq. of Linklaters LLP filed Notices of Appearance in this matter. On December 12, 2011, Mr. Bloor and I discussed scheduling depositions, and a date of January 5, 2012, was set for the depositions of the plaintiffs. The plaintiffs appeared for their depositions on that date.

On January 11, 2012, I forwarded correspondence to Mr. Bloor addressing documents which had not been produced by the defendants and enclosing a signed Confidentiality Stipulation and Order covering documents relating to the personnel, CCRB and IAB records of the individual defendants. Your Honor signed that Order on January 18, 2012. On January 12, 2012, Mr. Bloor agreed to search for and produce certain of the documents requested by the plaintiffs and the personnel, CCRB and IAB records once Your Honor had signed the Confidentiality Stipulation and Order. Those documents are essential for completion of the depositions of the individual defendants.

The deposition of defendant Kenyetta Rouse is scheduled for February 3, 2012. Dates for the depositions of the other defendants have not been set, but yesterday counsel discussed scheduling an additional deposition this week and expect that the remaining seven depositions will be conducted within the next three weeks. Additional time will be required to accommodate requests for production of documents revealed during the depositions of the individual defendants.

¹ Your Honor's endorsement of Mr. Silverberg's letter, dated 11-21-11, actually reads February 3, 2011.

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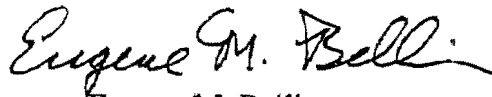
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The delays in the completion of discovery have been occasioned by the addition of nine defendants, the substitution of attorneys for the defendants, the interceding holidays, disputes about the production of documents which, I believe, have been largely resolved between the parties, and the inability of the defendants to produce some documents until the Confidentiality Stipulation and Order had been approved by Your Honor.

The plaintiffs therefore respectfully request an extension of the discovery deadline to March 23, 2012, to permit the depositions of the defendants and discovery of any documents disclosed at those depositions.

Respectfully yours,



Eugene M. Bellin

EMB:b

cc: Linda Regis-Hallinan, Esq. (by Fax)
Steven M. Silverberg, Esq. (by Fax)